

BUTTE NEWS.

CASES IN THE COURT

Motorman Nelson Sues the Street Railway for Damages.

THE ORE CAR RUNAWAY

Day Takes the Stand and Tells a Straight Story of His Movements on the Night That Lee Was Murdered.

Joseph G. Nelson, the motorman who made the almost fatal trip on the Montana street line of the Butte Street Railway company on Feb. 15, 1896, with several of the new ore cars loaded with waste for the Gagnon mine, brought suit against the street railway company yesterday for \$25,000 damages on account of personal injuries received. In his complaint Nelson says he was in charge of the forward one of two cars and that it was the duty of the defendant company to furnish safe appliances for the cars, but it negligently failed to provide a proper and sufficient brake, with the result that the cars, in going down the steep grade of Montana street, became unmanageable and got beyond the control of the motorman and ran down the hill with great velocity and collided with a passenger car. In the wreck Nelson's right leg was broken and mangled and he had to have it amputated above the knee. He says it was not his fault and that he in no wise contributed to the accident. Before losing his leg he was able to earn \$3 a day, but since then he has been unable to earn a living and has been damaged in the sum of \$25,000, for which he demands judgment. George Haldorn is his attorney.

It is said that a week after the accident occurred the street railway company settled with Nelson by paying him \$1,000 cash and paying for his care and surgical attendance while he was in the hospital. He received his regular wages during nearly the 19 months that he was laid up, and as soon as he was able to be out the company sent him east and bought him an artificial leg. Manager Wharton states that his case cost the company altogether about \$2,000. A receipt released the company from any further liability in the matter was given by Nelson and his wife. The release, Mr. Wharton says, was given on a form that was made out by Mr. Haldorn, the plaintiff's attorney, at the time he was attorney for the street railway company.

At the time the accident occurred the officials of the street railway company refused to assign any cause for the accident, for the reason that if they attributed it to defective brakes, it would have furnished Nelson with grounds for a damage suit, while if they placed the responsibility on the motorman they would have been compelled to pay for the cars. After the accident the company refused to accept the cars and the gates from Works, which manufactured them, and refused to recover the value of the four cars, which were alleged to be \$2,025. The case was tried at the last term of the United States court and the railway company won the case on the ground that the brakes on the cars were defective and that they were not built according to contract. Had it not been for the release given by Nelson, however, it is hardly likely that this defense would have been set up.

The defense in the trial of Jack Day for murder opened yesterday morning with a very brief statement by Attorney Drake. He outlined no defense, but simply told the jury that he intended to prove Day's innocence beyond a "peradventure of a doubt." The principal witness yesterday was George Day, father of the defendant. He had a drawing of the premises around his home in the eastern part of town, from which place William and John Day started to go to Lee's house to "do" the latter and to which place they returned after the assault, several witnesses having testified that they heard and saw the two men from different points of observation. It was intended to be shown by George Day's drawing of the premises that the witnesses were mistaken, but Judge Clancy would not permit the drawing to be introduced in evidence, as it was not shown that it was correct or drawn to a scale. Judge said the witness being the defendant's father might be apt to be a little "anxious." In giving his testimony the witness said he went with Thomas Lee to the latter's cabin on the evening of the assault, with the intention of passing the night with him. He found James Williams, the state's main witness, there and very drunk. Williams was lying upon the bed and invited Day to have a drink of whiskey out of a jug, but Day didn't like whiskey, so Lee was sent out to rush the growler, and while he was away Williams shook his fist and told Day that he would kill that — before the night was over. Day said he asked Williams what was the matter and if they had been fighting, Williams said they had because Lee had turned Mrs. Lee out of the house and had destroyed her clothes which, Williams said, he had paid for. After Williams had made this threat Lee returned with an empty growler and explained that the saloon man wouldn't let him have any more beer on credit. As they couldn't get beer they all drank whiskey and at intervals Lee and Williams quarreled and finally fought and fell on the bed together, where they remained and Day left the house and started for his own home, but it was so dark that he lost his way and wandered about a great deal. During the evening Lee told Day that he had had a fuss with Williams over Mrs. Lee and that he had nearly broke his back and would have it out with him before the night was over.

The following matters are set for hearing in Judge Lindsay's court this afternoon:

Estate of Lucinda Walker, petition for letters; estate of Henry Kernick, petition for letters; estate of Courtney, petition for letters; estate of Christina Allan, petition for probate of will; estate of Jennie and Henry Murrah, petition for letters of guardianship; estate of Henry Hamilton Walker, motion to rescind; estate of J. H. and Stella Widon, motion for settlement of final account and distribution; estate of James Toohy, citation to Cyril Paulwell; estate of R. L. Hampton, petition for letters; estate of Michael Dugan, petition for letters; estate of Charles Horsfall, petition for letters; estate of A. J. Davis, in re J. L. Bonstead to strike demurrer of Elizabeth S. Ladd et al.; (2) motion to strike demurrer of Henry A. Davis et al.; (3) motion to strike demurrer of John E. Davis et al.; Kate Dussault vs. Adelaide Dussault, plaintiff's proofs; Emily Clenden vs. Wynne Hill et al., motion for security for costs; W. A. Clark et al. vs. Della Campbell et al., defendants, Citizens' B. & L. association, intervenors, motion for leave to intervene; W. H. Patterson vs. W. G. Pfouts, motion to strike portion of answer; J. L. Bonstead vs. Thomas Combs, motion to strike amended complaint; James A. Murray vs. H. S. Clark et al., motion for distribution of proceeds of sale; Josephine Jacobs vs. Stephen M. Jacobs, plaintiff's proofs; California Powder Works vs. Kenneth Connor, Connor & Company, Sophia Goddard et al., intervenors, intervenor's motion to adopt verdict; N. C. Young vs. Minnie Young, demurrer; Maggie Tatro vs. Albert Tatro, plaintiff's proofs; Eli Prudhomme vs. Lacroix, motion to dismiss appeal.

Gen's' Underwear Sale

50 dozen Dove-colored Shirts and Drawers, worth \$2.50, for.....
\$2.00 Suit

300 Odd Shirts, worth \$1 each, for.....
50c

Extra size Silk and Wool-mixed Shirts and Drawers, worth \$3 each, now.....
\$1.00 each

50 dozen Tan-colored Shirts and Drawers, worth \$3 a suit, for.....
\$2.00

600 Shirts and Drawers, worth \$6 and \$7 a suit, now only.....
\$5.00 Suit

\$1 Derby-ribbed Shirts and Drawers, now only.....
50c

50 doz. Men's Strong Suspenders
Worth 50c pair,
SALE PRICE, 25c PAIR

Day said Lee and Williams both were very drunk.

"How many drinks did you see them take?" asked Attorney Kirk.

"Oh, well, that's not necessary," interrupted the court. "He said they were very drunk and that is sufficient. Some men get drunk by being hit with a sour apple."

Day said he was arrested the next morning on the complaint of Williams for having assaulted Lee. John and William Day and Mrs. Lee were charged at the same time, but George Day and Mrs. Lee were discharged after the preliminary hearing.

Mrs. Hannah Merriks, a sister of the defendant, and Henry Day, aged 15, a brother, testified that Jack Day was at home and in their presence between 9:30 and 11 o'clock on the night of June 15, during the hours when the assault was committed on Lee. Eva Perry testified that she saw and talked to Jack Day at her home in West Granite street at 10 o'clock in the evening, the hour of the assault having been fixed between 10 and 11 o'clock.

Jack Day, the defendant, was the next witness and told a very straight story as to his whereabouts from the afternoon of June 15 until the time he was arrested with his uncle at Helena. On the 18th he saw his uncle at about 6 o'clock at the home of Mrs. Lee and did not see him again until about 1 o'clock at night. They had made arrangements to leave town to look for work and started away about noon on the 19th. He knew nothing about the assault on Lee or that he was charged with the crime until they were arrested at Helena a few weeks later. The trial will be resumed this morning.

THE MARKETS.

New York, March 19.—The sales of stocks to-day were less by more than 100,000 shares than they were yesterday. The bears succeeded in their enterprise of effecting a general decline in prices, but offerings of stocks were soon exhausted on the decline and there was no market to speak of left. The course of prices was irregular all through the early part of the day, but the tendency seemed to be toward a higher level, the industrial Adams leading an advance. After midday a reactionary tendency set in which carried prices to the lowest level of the day. The market closed weak with very material losses in many shares.

STOCKS AND BONDS.	
U. S. new 4's registered.....	123 1/4
U. S. new 4's coupon.....	123 1/4
U. S. 4's registered.....	111
U. S. 4's coupon.....	113 1/4
U. S. 5's registered.....	113 1/4
U. S. 5's coupon.....	113 1/4
Pacific 4's of 1895.....	109 1/4
Atchafalpa.....	115 1/4
Adams Express.....	147
American Express.....	112
Canadian Pacific.....	59
Hurlington.....	77 1/2
Great Northern preferred.....	120
Central Pacific.....	8 1/4
Lake Shore.....	109
Lead Trust.....	123 1/4
Michigan Central.....	87
Missouri Pacific.....	18 1/2
North American Company.....	4 1/4
Northern Pacific.....	12 1/2
Northern Pacific preferred.....	36 1/2
Northwestern.....	108 1/2
Northwestern preferred.....	108 1/2
New York Central.....	109 1/2
New York & England.....	112
Oregon Short Line.....	16
Pacific Mail.....	27
Pullman Palace.....	109 1/4
Rio Grande Western.....	12 1/2
Rio Grande Western preferred.....	28 1/2
St. Paul.....	173 1/4
St. Paul preferred.....	187
Southern Pacific.....	114 1/4
Sugar Refinery.....	114
Union Pacific.....	6 1/4
United Express.....	59
Large Express.....	109
Western Union.....	89 1/2
General Electric.....	54
National Linseed.....	12

MONEY MARKET.
New York, March 19.—Money on call easy at 15/32 per cent.; closed at 15/32 per cent.; sterling exchange, demand, \$1.83 1/2-1.84 1/2 for 60 days.

METAL MARKET.
New York, March 19.—Silver, 62 1/2; pig iron, easy; copper, steady; broker's price, \$11.85; exchange price, \$11.85 1/2; lead, firm; broker's price, \$5.30; exchange price, \$5.42 1/2; 65-67.

CHICAGO MARKETS.
Live Stock.
Chicago, March 19.—Cattle—Sales were largely at \$1.25-1.30; best feeding steers, \$4.50, an advance of 5c; best calves, \$5.50-6.00.
Hogs—Common to prime hogs sold at \$2.50-4.15; packing lots brought \$2.50-2.90; choice lightweights sold up to \$4.10 and prime heavy averaging 300 pounds sold at the top. The offerings were good in quality and sales were largely at \$4.50-4.15, but there were too many lightweights.
Sheep—There was a lively general demand at \$2.40-2.50 for inferior to extra sheep, with few sales above \$4.50. Western fed sheep comprised the bulk of the offerings and mostly sold at \$3.80-4.50; lambs sold actively at \$3.80-5.25 for common to choice.
Receipts—Cattle, 3,700; hogs, 19,000; sheep, 6,000.

WHEAT MARKET.
Chicago, March 19.—Wheat opened at a slight advance upon yesterday's closing prices, the demand at the immediate start being more urgent for May than for July. The initial advance was caused by Liverpool quoting an advance of 5d per cent, which it was concluded must be because of a better consumptive demand in the United Kingdom, seeing that there had been no encouragement from here. The shade of weakness which succeeded the slight rise at the start was at first more the result of the action of a few heavy local scalpers than of further news.

CHICAGO PRODUCE MARKET.
Chicago, March 19.—Close—May wheat, 72c; corn, 25 1/2c; oats, 17 1/2c; pork, \$8.50; lard, \$4.20; ribs, \$4.55. Receipts: Wheat, 12,000 bushels; corn, 129,000 bushels; oats, 179,000 bushels.

BOSTON MINING STOCKS.
Boston, March 19.—Boston & Montana, 12 1/2; Butte & Boston, 15 1/4.

To Cure a Cold in One Day.
Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25c

Flight & Fairfield will sell any article displayed in their south window this week for \$2.

For False Pretenses.

John Sullivan, a Centerville man, was arrested yesterday on a charge of obtaining money and goods under false pretenses. Joe Ethie is the complaining witness, and the warrant was sworn out in Justice Murray's court at Walla Walla. Upon the prisoner being arraigned he took the statutory time in which to plead and furnished bonds in the sum of \$100 for his appearance to-day.

CASTORIA
For Infants and Children.

The famous signature of *Dr. H. H. Plummer* is on every wrapper.

SHEETING and PILLOW CASING SALE

Only Two Days More.

Fine Sheeting, 2 1/4 yards wide.....	14c yd	FINE PILLOW CASING,	
Finer grade.....	19c yd	45 IN. WIDE.....	9 1/2c yd
Twilled Sheeting, 2 1/4 yards wide.....	25c yd	50 IN. WIDE.....	11 1/2c
		54 IN. WIDE.....	12 1/2c

Heavy Turkish Outing Flannels
Towels 3,000 yard,
Light and Dark Stripes and Checks
\$1.00 doz. **5c yd**

What Is Good and Fair Shall Ever Be Our Care

A most excellent motto for adoption by any person or institution. This has at all times been the guiding spirit of the White Front Grocery and now, when we are approaching that season of the year when all is gladness and nature bodecks herself in her most beautiful raiment, there is a natural incentive to increased zeal and industry in its observance.

But now comes the Lenten season. During this period we offer to the public the highest quality of Canned Fish, Oysters, Lobsters, Salmon and Clams under the Casino brand; Magaz's famous American Cheese, Fresh Eggs and all seasonable goods at prices, terms and service that will be an inducement for increased trade.

If you buy your groceries at COURTNEY'S they are good.

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THOS. F. COURTNEY
Telephone, 185

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It will be an expensive lesson. Won't it be worth more than you saved by employing incompetent, irresponsible folks to do your electric wiring? We have all the appliances, also the requisite knowledge to do good work. We are not of the here-to-day and away-to-morrow kind of mechanics. Why not consult with us on your next job? It won't cost you much more if we do it than if you had it done by a botch.

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ROUGH AND DRESSED LUMBER,
All kinds of Mining and Bridge Timbers a Specialty.
Large Dry Kilns in connection with the mill. Sash and Door Factory, Sash, Doors, Mouldings, Cedar Shingles and Pine Lath. Interior Hardwood or Pine, Hand Rails, Balusters and Newel Posts. Scroll Sawing, Turning and Fancy Brackets. Over 2,000,000 feet No. 1 Clear Finish in stock, either yard seasoned or kiln dried. Estimates and price lists on application.

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And fitted them up with new Cooling Rooms and Rattan Couches, making separate apartments for Ladies and Gentlemen. These improvements make these Baths the finest in the Northwest and the only Springs that have RATTAN COUCHES in connection with their Vapor Baths. Those troubled with Rheumatism, Neuralgia, Dyspepsia or General Debility should try

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IRON, STEEL, NAILS
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on earth are the natural ones.
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Ten years' practice in the treatment of Nervous Diseases of Men. All of the latest electrical appliances and improved methods used in the treatment of weakness in men.

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Rock Bottom Prices on Staple Goods. Bailey's Wood Bottom Planes:
No. 22 Smooth Plane..... 85
No. 27 Jack Plane..... 1.19
No. 29 Fore Plane..... 1.25
No. 31 Jointer Plane..... 1.55
Disston's No. 12 Quality Hand Saws, 26-inch..... 1.75
28-inch Hip or Hand..... 2.15
28-inch Hand..... 2.50
Nickel-Plated Steel Squares, 18-inch Tongue..... 85
Steel Squares..... 40
Jennings' Chisel Sets, 12 chisels, from 1/4 to 2 inches, in hardwood box, beveled blades.
Leather capped applewood handles, set..... 5.25
Maydole Nail Hammers..... 50
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Leading Business Firms of Montana.

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Paid in capital, \$100,000.
Surplus and undivided profits, \$50,000.
Under state supervision and jurisdiction. Interest paid on deposits. Sells exchange available in all the principal cities of the United States and Europe. Collections attended to promptly. Transact a general banking business.
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La Carolina, Villar de Villar,
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La Murreca, Cueta Ray & Co.
Well known Goods; give them a trial.

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